

1 BARBARA J. PARKER, City Attorney, SBN 069722
2 OTIS McGEE, JR., Chief Assistant City Attorney, SBN 071885
3 KIMBERLY A. BLISS, Supervising Attorney, SBN 207857
4 JASON ALLEN, Deputy City Attorney, SBN 284432
5 One Frank H. Ogawa Plaza, 6th Floor
6 Oakland, California 94612
7 Telephone: (510) 238-3839 (Allen)
8 Facsimile: (510) 238-6500
9 Email: jallen@oaklandcityattorney.org
10 X04143/2332492

11 Attorneys for Defendant
12 CITY OF OAKLAND

13 CHARLES A. BONNER, Esq., SBN 85413
14 A.CABRAL BONNER, Esq., SBN 247528
15 Law Offices of Bonner & Bonner
16 475 Gate Five Road, Ste. 212
17 Sausalito, CA 94965
18 Tel: 415-331-3070; Fax: 415-331-2738
19 Email: cbonner799@aol.com

20 Attorneys for Plaintiffs ALI SALEEM BEY
21 AND JOHN MUHAMMED BEY

22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

24 ALI SALEEM BEY and JOHN MUHAMMAD
25 BEY,

26 Plaintiffs,

27 v.

28 CITY OF OAKLAND and DOES 1-100
Defendants.

Case No. 14-cv-01626-JSC

**JOINT STIPULATION AND
[PROPOSED] ORDER MODIFYING
BRIEFING SCHEDULE FOR
PLAINTIFFS' MOTION TO APPOINT
SPECIAL INVESTIGATOR**

Judge: Honorable Jacqueline Scott Corley
Hearing Date: March 29, 2018
Time: 2:00 p.m.
Courtroom: F, 15th Floor

Date Action Filed: April 19, 2014
Trial Date: December 4, 2017

Defendant City of Oakland (the “City”) and Plaintiffs Ali Saleem Bey and John Muhammed Bey (“Plaintiffs”) hereby respectfully submit this Joint Stipulation and Proposed Order to modify the briefing schedule for Plaintiffs’ pending Motion to Appoint a Special Investigator (the “Motion”). [See Dkt. 104-109, 117-118.] The parties seek to move back the deadlines for filing the City’s opposition brief and Plaintiffs’ reply brief by seven days. As explained further below, the parties submit there is good cause to continue those dates because necessary administrative issues related to confidential information included with the Motion required significant time and attention in the time since Plaintiffs filed the Motion. [See Dkt. 110-115, 117-118, 121.]

INTRODUCTION AND PROCEDURAL HISTORY

Plaintiffs filed the Motion, including declarations with approximately 25 exhibits and a request for judicial notice, on Friday, February 9, 2018. [Dkt. 104-109.] The Motion and all related documents were initially filed publicly. [See *id.*] A number of the documents filed with the Motion had been designated confidential and were thus protected under the protective order in this case. [*Id.*] Additionally, portions of Plaintiffs’ Memorandum of Points and Authorities and Plaintiff John Bey’s Declaration in support of the Motion also included confidential information, protected under the protective order. [*Id.*; see Dkt 117, 118.]

In the time since Plaintiffs filed the Motion, the parties spent significant time addressing the confidential materials submitted with the Motion and taking the necessary administrative steps to have those materials removed from the public docket and to seek leave to file those materials under seal. [Dkt. 110-115, 117-119, 121.] Additionally, until Plaintiffs’ counsel contacted the City on the afternoon of Wednesday, February 14 to seek a stipulation for a continuance, the City understood that the settlement conference scheduled for February 21, 2018, would go forward. [See Dkt. 116, 119 (stipulated request for, and order granting, continuance of the settlement conference).] As a result, the City had been preparing for that settlement conference, including drafting a settlement statement. Those administrative necessities have delayed the parties’ abilities to address the substance of the Motion.

The parties have met and conferred and agree to modify the briefing schedule for the Motion by moving back the filing deadlines for the City’s opposition brief and Plaintiffs’ reply brief by seven days, to March 2 and March 9, 2018, respectively. The hearing on the Motion is currently set for March

29, 2018—20 days after Plaintiffs’ reply brief will be due under the requested briefing schedule. [Dkt. 120.] Thus, the parties do not believe the requested modification to the briefing schedule will necessitate a change to the current hearing date.

STIPULATION

Based on the foregoing, the parties hereby stipulate, subject to the Court’s approval, to the following briefing schedule for the Motion:

- The City’s opposition to the Motion will be due on March 2, 2018.
- Plaintiffs’ reply brief will be due on March 9, 2018.

Dated: February 18, 2018

BARBARA J. PARKER, City Attorney
OTIS McGEE, JR., Chief Assistant City Attorney
KIMBERLY A. BLISS, Supervising Attorney
JASON ALLEN, Deputy City Attorney

By: /s/ Jason M. Allen*
JASON M. ALLEN
Attorneys for Defendant
CITY OF OAKLAND

***I hereby attest that I have obtained the concurrence in the filing of this document for all signatories indicated by a conformed signature (/S/).**

Dated: February 18, 2018

Law Offices of Bonner & Bonner

By: /s/ A. Cabral Bonner
A. Cabral Bonner
Attorneys for Plaintiffs
ALI SALEEM BAY AND JOHN MUHAMMED BEY

[PROPOSED] ORDER

Based on the stipulation of the parties, the Court finds good cause to modify the briefing schedule for Plaintiffs' pending Motion to Appoint Independent Investigator (the "Motion") as follows:

- The City of Oakland's opposition to the Motion will be due on March 2, 2018.
- Plaintiffs' reply brief will be due on March 9, 2018.

IT IS SO ORDERED.

HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE